

F274  
.R42

09

LIBRARY OF CONGRESS



0 014 418 618 7

Hollinger  
pH 8.5  
Mill Run F03-2193

# AN ADDRESS

—UPON THE—

## ELECTION LAW

—OF—

**SOUTH CAROLINA,**

—AND THE—

Methods Employed to Suppress the  
Republican Vote,



—BY—



ELLERY M. BRAYTON,

Chair, Republican State Ex. Com.



COLUMBIA, S. C.:

WEL. STONE, BOOK AND JOB PRINTER.

1889.

F274

R42

# HEADQUARTERS

## Republican State Executive Committee.



COLUMBIA, S. C., JAN. 2TH, 1889.

The recent election in South Carolina was a miserable farce, and justifies an effort to bring its significance to a knowledge of the people. Out of a vote of more than 120,000, the Republicans were suffered to have counted but 13,740. This is a dismal confirmation of pre-existing fears. It fully vindicates the confidence of the Democrats in the capabilities of their election system to produce any desired result. The machine is known to operate so effectually that the voters of one party have become apathetic, while those of the other are disheartened. The result is canvassed and discounted in advance, and the so-called election is but the formal registry of what has been ordained. This knowledge of what is known will happen is the chief explanation of the smallness of the 58,730 votes cast for the Democratic State ticket, which is barely one-half their full number, while the difference between that vote and the 65,826 votes cast for the Electors represents some of the false counting done at the Federal polls. So certain were the non-resident Federal office-holders of the result that none of them came home to vote, and the press despatches noting Assistant Secretary of the Treasury Thompson's <sup>review</sup> visit to the State, said it had been deferred for his convenience, he knowing his vote was not needed. Ordinarily this would appear startling and incongruous, with an opposition majority of 20,000; but it simply expresses the security and indifference produced through the working of the fraudulent election scheme. And yet there is no pretense set up that the Republicans have forsaken their party: and the old tale about their not wanting to vote, which gulled the country for a time, has been laid aside. Southern leaders and the press have gained courage and lost shame, and now boldly declare that the preservation of white supremacy justifies the suppression and cheating of the Republican vote. And the ruling public sentiment of the Northern people tolerates and accepts this excuse, they forgetting how the crafty Southern leaders have fooled and deceived them in all other particulars, credulously

adopt as true all the direful consequences portrayed as being involved in Republican success. They should seek the facts, and remember that if all the charges made and fears expressed were true, they would pale before the terrible crimes committed by the Democrats before they reached power, and the rank injustice, foul fraud and tyranny they have practiced in maintaining it. Southern men know and admit that while the Republicans are crushed and controlled their party ranks are unbroken, and that if the heavy pressure was removed their faithful followers would spring into activity, and present a buoyant, united, aggressive front. The only exhibition of their numbers they can make is in their public meetings and campaign demonstrations. Congressmen Taylor and Mason were witnesses to the size and enthusiasm of one of these gatherings in the city of Charleston during the campaign, where they addressed 15,000 of as true, devoted and long suffering Republicans as ever stood together.

The late election demonstrates the effectual suppression of the elective franchise in this State, and the utter futility of contending against the infamous system under which they are held. The rights of suffrage are annihilated. Republicans are robbed of the power to successfully oppose their oppressors. Further contention is useless under present conditions. This is hard to be realized by the faithful followers of the party, who, knowing their overwhelming numbers, and conscious that they are ready to respond to any call, do not understand why their leaders cannot march them on to victory. The thoughtful and well informed know that reproach against the skill, courage and generalship of the leaders is not merited as an explanation of the hopeless condition and prospects of the party. The Republicans of the country at large seem likewise ignorant of the abnormal state in which we are placed. It is hoped that some of the Democrats in the State are not aware of the degree and extent of the injustice and frauds perpetrated under the form of law, and have not comprehended the inevitable effect upon society of pursuing a course so fraught with fraud, injustice and depravity; therefore, it is considered a duty to dissect the monstrous election system in this State, and show up the purpose of its mechanism and the product of its operations; then it will be seen how impossible it is to extricate ourselves from the bondage to which we are condemned without resorting to revolutionary actions. And if no remedy can be found we may as well disband our organization, and conclude there is neither law, justice nor opportunity for Republicans in South Carolina. As matters now stand, Republicans are political outcasts and aliens

to the commonwealth, and have no right which Democrats will concede or respect.

The election system in South Carolina radically differs from that of any other state. Its partisan purpose is not even concealed. It openly violates every principle of right, justice and fairness. It was enacted to enable the few required to work its machinery to accomplish all that the masses of the party have been able to achieve through lawlessness, fraud and brutal crimes. Its operations commit no breach of the peace nor stain with blood the victors' hands. This is its only redeeming trait. There is now no occasion to resort to the revolutionary methods of 1876, the tissue ballot frauds of 1878, nor the wholesale ballot box stuffing of 1880. This intricate and complicated election machinery, as the *Charleston News and Courier* aptly terms it, has fulfilled its mission and proven even better adapted to its purposes than was contemplated by the conspirators through whom it was invented and constructed. Its principal and most effective features are the registration of the voters, the multiplicity of the ballot boxes and the partisan boards of election officers. All are skillfully adjusted and essential for thorough effectiveness, but the registration is the most vital. In the way it is manipulated it is not believed over one-third of the Republicans of the State are qualified to vote. This anomaly has been brought about through the partial and incomplete registration of 1882, and the obstacles and devices engrafted into the law to prevent those changing their residences or losing their certificates from being re-registered. The registration of 1882 is the only general registration of the voters which has been made or is provided for in the law. All Republicans then qualified who were not registered were disfranchised and so remain to this day, and there is no way by which they can become voters. This disqualification would apply as well to the Democrats if there was not some underground way pointed out to them by which their disabilities are removed. Edward McCreedy, Esq., the author of the act, in a recent newspaper interview, called this enrollment of the electors a "permanent registration." He should have stated that for those Republicans not then registered it was a permanent disfranchisement. This is an unexampled outrage. The spectacle is presented to the lovers of justice, fairness and equality of a forfeiture by law of the constitutional right of suffrage of every qualified voter who was not registered at that original registration; while, in practice, the disqualification is diminished, but the outrage increased by its being made to apply only to Republicans. Of course this favoritism to the unregistered Democratic electors implies wrongful complicity.

involving false swearing on the part of the voter, or its illegal omission, and perjury on the part of the supervisors; but these are venial offences for which Bourbon public opinion offers ready and full absolution.

However, this flagrant denial and destruction of the elective franchise is made the more startling and subversive of rightful government because of its enormity, as, through its operations, over one-third of the qualified Republican voters of 1882 are irretrievably disfranchised. Such an unheard of condition under constitutional government was brought about in a curious and unforeseen way. It resulted from a conviction that the registration would be a nullity, as it was generally understood the law would be amended or repealed, and the registration thus set aside. A recital of the facts concerning this monstrous iniquity will be valuable as an exhibition of the degree and extent to which partisan cunning and malice have been employed to perpetuate Bourbon rule. The registration and election scheme became a law February 9th, 1882. It provided for a registration of all the voters in the following months of May and June. The law was very unpopular, and by many considered a dangerous experiment. A strong minority of the Democrats bitterly opposed its passage. Two of its provisions were specially obnoxious, namely, the presentation at the polls of the certificate of registration, which was stigmatised as a *pass*, and the establishment of eight ballot boxes, and requiring the voter to go alone to the polls and prohibiting any information being given him about his tickets, thereby creating an indirect educational qualification. The law had scarcely been passed before the outcry against it from the illiterate Democrats, numbering 20,000, and their sympathizers became threatening. The press and party leaders took alarm at the impending revolt, and demanded the repeal of the law. The Governor yielded to the clamor and called a special session of the Legislature, to meet the 26th day of June, to change or repeal the law. As soon as the call was issued registration was practically suspended. When the Legislature met the Democrats consumed three days in caucusing. No Republican had an idea of the devilish iniquity which was being concocted in that secret conclave. On the last day of June, the final day of registration, the caucus dissolved and the conspirators assumed their legislative functions, and then it was disclosed that the registration was to be allowed to stand, defective and incomplete as it was, and with no extension of time. There was consternation among the Republicans. They were completely entrapped, and to this day they have been without redress or remedy. A baser conspiracy against the



elective franchise was never hatched. But its full import was feebly realized. It was known that at least a third of the Democrats were likewise unregistered. But subsequent events showed that it was part and parcel of the conspiracy that these unregistered Democrats should be slyly and secretly registered, while the Republicans should remain disfranchised.

All subsequent elections have been held under this fatally defective, fraudulent and unconstitutional registration, and the Electors, Senators and Congressmen trace their credentials back to this tainted and vitiated source. It would seem as if a Republican President and Congress could quickly and effectively find a remedy for righting this monstrous wrong.

The full number of the Republicans who for six years have been thus disfranchised is unknown, for the list of voters has never been published nor allowed to be seen, the books being held as secret records; but it is supposed to be between one third and one-half of the total voting population. Fittingly supplementing this bold piece of registration iniquity, are many other unjust provisions in the law designed to operate against Republicans.

The right to vote is limited to the presentation of the certificate, so that the registration is but a means to an end. There is but one supervisor to each county, and he is invariably a Democrat. The registration lists are not public records, and the names are never published. Of course they are accessible to Democrats.

The Supervisor's office is open to Republicans the first Monday in each month until July prior to election, for the registration of voters coming of age, and moving into the State, and the issue of new certificates to those who have lost them or changed their residence. The law makes every change of residence and loss of certificate a temporary forfeiture of the right to vote, and to remove the disability requires a trip to the supervisor's office, perhaps forty miles distant, and the submission of such proof as the supervisor, in his discretion, may exact. This authority enables the supervisor to be very rigid about the proof, and to put the poor, humble voter to expense in having it sworn to. A removal from one place to another in the same precinct, or from one cabin to another on the same plantation, is construed as a change of residence within the terms of the law. The law appoints no particular place for the supervisor's office, and it is frequently impossible to find him. The object of these obstacles and hindrances is to work such annoyance and hardship as to discourage registration by Republicans, while it is made manifest to them that every facility is to be extended to their adversaries.

The most effective plan adopted to restrict and defeat Republican registration, is to delay proceedings and prevent many from receiving their certificates, regardless of the time, distance and expense involved in this useless monthly application. And this device is pursued so generally and practised so systematically, as to make it evident it is part and parcel of a plot concocted at headquarters. The implacable supervisor, when his time to quit work arrives, closes the door in the faces of the negroes, utterly indifferent to the inconvenience, injustice and hardship inflicted. They may have traveled on foot twenty or thirty miles, and lost one or two days in the trip, or undergone the same treatment the preceding month. Reports show that on the first Monday in July, the final day, in every county there were shut out from registration large numbers of would-be voters, in some cases exceeding one hundred, who had borne fatigue and expense to prepare themselves to exercise their elective franchise. This unfair, unjust and cruel device to deprive citizens from enjoying guaranteed rights, is the refinement of partisan malevolence. And this treatment of Republicans is rendered the more intolerable and exasperating, by the knowledge that Democrats are entirely protected from it. It is seldom that any of that party are seen at the supervisor's office on public registration days, and it is one of the mysteries of that organization how and when its voters are registered. It is, however, known that not only is every facility extended to them to register, but that certificates are sent to negligent ones, and that at the polls there are in the hands of some trusted agent certificates signed in blank to be given out to Democrats needing them. On the last election day there was picked up in the public road of Oconee County a batch of thirty-six blank registration certificates, duly signed by the supervisor, N. C. McDonald, with their serial number exceeding No. 6,100, though there are less than 3,000 voters all told in the county, which shows how liberally they have been re-issued.

This wicked discrimination is far from ending with the unfair and fraudulent action of the supervisors, all sufficient as that would seem, for, under the provision of the law requiring each voter to go alone to the poll, all challengers and witnesses being excluded, the partisan managers may, and often do, waive the requirement of presenting their certificates on the part of Democrats, while rigidly exacting it of Republicans, towards whom they stand as detectives and unrelenting antagonists. Is it any wonder in a state where the primary right of registration is so undermined and hedged about with difficulties that the election to which it is a prelude is not and cannot be full, fair or honest? Instead of the registration being

merely an enumeration and location of the voters to prevent repeating and to secure identification, which is its object in states where right, justice and equality prevail, it is in South Carolina a boycott of free and independent suffrage. This defective and vicious scheme of registration is the most potent agency in effecting the strangulation of the elective franchise. But dovetailing with the registration iniquity are the other abhorrent features of the law which serve to crush out the remaining vitality in the remnant of Republicans who have been able to qualify themselves to vote.

The law sanctions the appointment of Democratic election officers exclusively, as is the case with registration officers. It establishes eight election boxes to confuse and mislead the voters. Six of these at one polling place pertain to State and County offices, and two to Federal offices, presided over by different sets of managers, so that United States supervisors cannot be present at the former. The purpose of these numerous boxes is to confuse and entrap the illiterate Republicans. This is accomplished through the provision requiring voters to go singly to the polls, from which witnesses are excluded, and forbidding any information being given as to the ballots. The law says the managers shall give information as to the boxes only. But these officers are always biased and generally hostile, and no reliance can be placed upon their answers. The Democratic voters are freed from these obstacles, because the friendly managers may be depended upon for correct information, and because the need of it is avoided by the plan adopted of placing the appropriate Democratic tickets on the top of the respective boxes. This privilege is refused Republicans, but if granted it would be a pit-fall, for the ballots would be shifted to the wrong boxes.

The law makes no provision for witnesses and challengers, and therefore Republicans are not allowed to act in such capacities, but practically there is no restriction upon Democrats so acting, and they not only do so act but communicate freely with the managers.

Where Republicans largely predominate the polling places are insufficient and are inconveniently located. In some instances from 1000 to 1500 voters are included within a voting precinct, while the polling places are located at the end instead of near the center of the precinct. Rails and barricades are erected in front of the polling places, and Republicans are forced to move in one direction while Democrats are allowed to come in from the other and check the line voting until their ballots are cast; and general discrimination against Republicans is practiced.

The law requires the ballots to be of plain, white paper of a prescribed size, without distinguishing mark, color or device, and as no Republican is permitted to be close enough to the managers to scrutinize the ballots or detect wrongful assorting, a tempting chance to falsify the count is offered and embraced. The law provides that when the ballots exceed the names on the poll list the excess shall be first withdrawn before the count begins. This is a wise and comparatively harmless provision where the excess is accidental or inconsiderable, but in South Carolina no limit to such excess has been reached sufficient to vitiate the poll. This is the provision which gave such potency to the tissue ballots used in 1878, and the wholesale stuffing of the boxes in 1880. It is now held in reserve to meet any emergency.

The managers finding at the first election held under this law that the Republicans became posted as to the location of the boxes, speedily took to shifting them, and soon became so expert that they could change their places with professional dexterity, and then would revel in the fun which the blunders afforded. The Republicans soon discovered that it was impossible to cast their votes intelligently and safely in all the ballot boxes, and sought in a measure to overcome their difficulties by confining their votes to the legislative box, but as soon as their enemies became aware of this plan they checkmated it by declaring that such concerted action was a conspiracy, and its adoption would be visited by criminal prosecution. And when at the last election it was apprehended that the Republicans would try to circumvent the eight box scheme by voting the same kind of ticket in every box, so as to make sure one ticket was in the proper box, it was declared that this would be repeating under the pains and penalties of the statute. To substantiate this seemingly preposterous statement, attention is invited to the following extract from an editorial headed "A corpse that will bear watching," from the *Charleston News and Courier*, of September 27th, 1888:

"Suppose that the Republicans can succeed in carrying out the plan which has been suggested to them, and which has been mentioned in the *News and Courier*. This plan is to vote the electoral ticket in both the boxes at the polling place, so as to be sure to have the ticket in the right box. This is repeating under the law, and is punishable, upon conviction, by fine and imprisonment. But how is the repeater to be detected."

The consequence involved in threats of this sort in a community where courts are manipulated and controlled by the same vicious and omnipotent public opinion which dominates all branches of government was sufficient to estop the adoption of these or any kindred expedients. This dissection of the transparently sinister

and fraudulent provisions of the abnormal election system of this State, and the exhibition of some of the atrocious practices in vogue to make the working of the election machinery effective, would seem sufficient to show how completely Republicans are at the mercy of their enemies. They are bound with legal cords. As has been shown, more than a third of their vote is killed by statutory disfranchisement, and the eight box educational disqualification shuts out one-half of the remainder, leaving but about one-third of their whole number to wrestle with the multiform obstacles and hindrances involved in securing certificates in lieu of lost ones, or where there has been a change of residence. And finally there remains the certainty that if the emergency requires, the ballot boxes will be stuffed, and a false count made. The doom of defeat is inevitable. No state or country affords a parallel to the abnormal, fraud marked and vice sanctioning law of South Carolina. It is *sui generis*. Other Southern states show the same result, but this State alone has the odium of maintaining Democratic supremacy by statutory enactment. The pretended justification for this election system is the necessity of keeping the Negro vote in subjection, and the advantage of compassing it surely and quietly through the operation of law than by the turmoil, intimidation, scourging and other election day crimes, which sometimes fail. The effectiveness of the South Carolina plan has been vindicated. So thoroughly has it done its work that the Legislature contains but three Republicans, all fusionists; and every city, county and congressional district is safely in the Democratic vise.

But while the direct result of this foul and nauseating fraud has been to paralyze the Republicans, the reflex consequence on the Democratic party and society has been terrible and deplorable. It has undermined the moral standards and safeguards, occasioned party apathy and bred ring rule. What else could have been expected from a law that is itself a brazen declaration that legalized iniquity and injustice is righteous and justifiable! It pre-supposes that official oaths will be broken, the sacred rights of citizenship tampered with, and the sanctity of the ballot box polluted. It invites fraud and puts a premium on vice, and is impregnated with the doctrine that the end justifies the means. All deeds essential to success are incited, approved, and then condoned. Sworn officers of the law deliberately and systematically plan to be recreant and dishonest, and commit their misdeeds openly, without any sense of shame or fear of censure or punishment. Citizens are familiarized with the noxious crimes pertaining to elections, and are taught to regard fraudulent acts and corrupt practices as neither debasing nor

contaminating. A false code of morals is created and public opinion is depraved. The despoiler of the ballot box does not hide his crime, for it constitutes a claim to preferment. Ministers of the Gospel dare not inveigh against the sin, nor the prosecuting officer to notice the crime, and a corrupted public sentiment absolves from all guilt. The holy commandments are construed not to apply to the stealing of votes, lying about the ballot, or bearing false witness to election returns. Officials fraudulently counted in complacently swear they were honestly and fairly elected, grand juries stultify themselves, and the body of the people become tainted with the corrupting virus.

One of the inevitable effects of this career of fraud has come to pass, and is tormenting the Democrats. Their primary elections have become infected with the same corrupt practices which have overborne Republicans. Complaints from all parts of the State are heard of fraudulent election tricks; but this is notably true of the elections in Charleston, Berkeley, Newberry, Marion and Lexington Counties, where such practices were flagrant and excessive. This should have been foreseen, for when society is corrupted and its members defiled by crimes against adversaries, there is no such standard of honor possible as will exempt themselves from being the victims.

“Ye have plowed wickedness; ye have reaped iniquity; ye have eaten the fruit of lies.”

Prior to the last election, a formal effort was made by the State Executive Committee to get the Governor to appoint one Republican upon the election boards of the State. A delegation waited upon him and presented a memorial embracing the facts and reasons which warranted this rightful claim. It is needless to say a compliance was not expected; but there was no conception that the Chief Executive of the State could be so insincere or indifferent to the opinion of those who honor the truth as to proudly publish the following absurd, grotesque and dishonest reply:

STATE OF SOUTH CAROLINA—EXECUTIVE CHAMBERS,  
Columbia, September 29th, 1888.

*To E. M. Brighton, Thos. E. Miller, Stephen A. Swails, Thos. A. Saron,  
G. E. Heriot, Committee on the part of the Executive Committee of the  
Republican party.*

GENTLEMEN: I have carefully considered the preamble and resolutions which in behalf, as you claim, of the Republican party of South Carolina you yesterday presented for my consideration and action, as well as the remarks made by Mr. Thomas E. Miller, a member of your committee, in advocacy of the same.

In announcing to you the conclusion at which I have arrived, it would answer no good purpose that I can perceive to expose—what must be evident to those thoroughly acquainted with the condition of parties in this State—the fallacious statements of the one and the unsound reasonings of the other. It will be sufficient simply to say that, in my judgment, a departure from the wisely established methods and principles upon which these appointments are made would endanger the continuance of the perfectly free, fair and peaceful elections—the professed object of your desire—that are the proud boast and the highest achievement of Democratic rule in this State.

It may with great truth be said that honest elections are the true test of pure government, and constitute the only faithful expression of the popular will which it is their sole mission to elicit. No machinery, however perfect, can accomplish a result so essential to representative government without the instrumentality of agents, both intelligent enough to thoroughly understand the law and to carry out its provisions, and of that high probity of character that will command the confidence of the elector, and be a sure guarantee against the evil and corrupt practices once so dominant in this State. These disgraceful scenes and unscrupulous manipulations of elections, so confessedly prevalent during the days of Republican rule, are now happily things of the past, and can never return, under the benignant sway of Democratic principles, to curse and blight with their horrors the peaceful, prosperous course of all the people of South Carolina.

*To the eternal honor of our State and the Democratic party it can now be said that our elections are the freest and fairest in the world, and that not a single citizen of hers, no matter what his rank, color or condition, can, under her just and equal laws, impartially administered as they are, be by any perversion or intimidation debarred at the polls from the free and full exercise of his suffrage. There is not only a perfect freedom in voting, but the amplest protection afforded the voter.*

I shall, therefore, with a deep sense of the responsibility resting upon me to preserve to the best of my ability the purity of the ballot, so happily restored in this State, appoint to the important position of commissioners of election in the several counties men of such known intelligence, high character and unquestioned patriotism, as will give all the people of South Carolina the confident assurance of having in the coming elections the fullest, freest and fairest expression of their will.

To these boards will be entrusted the designation of precinct managers—a duty that I am sure that they will not only discharge faithfully, but the responsibilities of which they will justly appreciate.

I have thus frankly and succinctly stated the main consideration that will guide my action in the appointment of these election boards; but I cannot refrain from bringing to your attention, in this connection, the fact that your committee can scarcely be said to represent an organized party, as the comatose condition of the remnant of the Republicans in this State for many years past would surely justify the non-recognition of alleged rights and consequences so urgently demanded and strongly asserted by you. I will only add that the whole people of South Carolina—every voter within her borders—can safely rest in the absolute assurance of having, at the coming

elections, the fullest opportunity of expressing their will through the constitutional and American method of a free ballot and fair count.

Respectfully,

J. P. RICHARDSON, *Governor.*

Could there be a more startling example of the degeneracy and demoralization produced by the corrupting and deluding practices in this State than this flippant and untrue statement affords. The Governor must have known that it was utterly and ridiculously false, and that his fellow-citizens would so regard it. And yet he felt no more shame in writing and giving it to the newspapers for publication than Democratic voters do in stuffing the ballot boxes, or managers of election in making false returns. A temporary point was scored, and that was sufficient. It illustrates in the concrete the effect of being familiarized with vice, and stifling conscience, justice and virtue for the sake of party.

The reflection is natural, if the Republican party is defunct what harm could result from conceding them a representative on the election boards and thus stopping their complaints. But it is remembered that shortly before his nomination, when canvassing the State, he warned the opposing element in his party, that "nothing but the flimsy eight box scheme stood between his party and defeat." Besides all the other evidence which impeaches the Governor's statement as to the fairness and honesty of elections in this State it is refuted by Democratic testimony, as will be seen by the following extracts from recent published declarations:

[*From the Charleston World.*]

"However, by means of the primaries, with the managers' stamp used to prepare ballots the night before for stuffing the boxes, and rapid penmen to write two names every time one voter casts his ballot, some persons have come to great apparent political prominence in this city. But all this sort of thing has squeezed the life out of the party here."

[*From the Charleston News and Courier.*]

"The primary in Newberry to determine the choice of a candidate for State Senator was followed by sweeping allegations of bribery and fraud. It was the same in Marion county, where Bingham was the defeated candidate. Charges of fraud at the primary in Lexington county were promptly and deliberately made. \* \* \* \* \* The eight box law, necessary as it was and beneficial as its operations has been, is demoralizing to the people of the State. It must lower the younger men in particular in their own eyes to see the spirit of our institutions is violated at every election. It is beneath the dignity of the State to admit that there is not statesmanship in South Carolina to face the consequences of ignorant suffrage, and overcome them without political trick or subterfuge."



[*From the Columbia Register.*]

"The *Register* believes this solemn matter of fair elections is the most important of all public questions in the whole country, and it believes that reform, like charity, should begin at home. The plan of the *Register* is not for the Negro. It is for society. It is, if anything, more for the white than the colored race. Cheating and swindling cannot go on at elections and be kept there. Besides, the cheating and swindling in elections is a greater crime against society than in the private affairs of life. This cheating in elections and being honest after it is like forging a will in the interest of the party administering it, and then claiming the benefit of honestly administering it."

[*From a Published Address of Lexington County Democrats.*]

"With mingled feelings of shame and indignation, we Democrats of Lexington County come before the good people of the county with our grievances. In the recent primary election held in this county, fraud the most glaring was shamelessly perpetrated by the supporters of a combination of candidates who will go down to history in the annals of Lexington county as the Court House Ring. The supporters of some of the successful aspirants in that contest, forgetful of all personal honor and ignoring all patriotic considerations, steeped themselves in political infamy by stuffing the ballot boxes, voting fictitious names, riding from poll to poll over certain portions of county and voting at each precinct visited, in total disregard of their decency and manhood."

And yet Governor Richardson declares that "To the eternal honor of our State and the Democratic party it can now be said that our elections are the freest and fairest in the world."

The Republicans of this State not only charge their adversaries with a spoliation of their sacred rights of suffrage and their debasement of public morals, but they hold them up to reprobation for the base betrayal of their pledges, and their utter indifference to the solution of the civil and political relations of the races.

In the revolutionary campaign of 1876 the Democrats promised that all the rights of the Negroes would be observed and maintained, and that they would prove themselves their friends. What are the facts? Instead of making their plighted word good and proving their sincerity, the whole intent and effect of their government has been to deprive them of their political rights, to oppress them in their civil rights and to embitter and estrange the mutual race relations. The record shows this action to have been deliberate, practically unresisted and unrebuked. In addition to the statement already made as to the suppression of political rights, the Democratic party should be held in everlasting contempt for its shameless breach of honor and agreement in stealing the representative to Congress from the 7th district, after it had created it through a gerrymander

unparalleled for its partisanship, and set it apart under the title of the Black District, with a colored majority of 25,000. Their greed for office is insatiable. Had they cared for the contentment and welfare of that race, or sought in one particular to secure its favor and confidence, they would not have allowed their lust for the solitary office vouchsafed the Republicans to have spurred them to commit the stupendous crimes required to strangle such a majority. composed of men as earnest, loyal and devoted to their party as was ever saint to his religion.

The denial of the right to vote to the great body of Negroes is emphasized and made the more glaringly unjust by the provision of law making it a criminal offence not to pay the poll tax, punishable by thirty days' imprisonment. This is the refinement of injustice, to prevent the vote and then punish the non-payment of the poll tax. Their civil rights are equally and notoriously violated. The spirit and terms of the law are habitually defeated by their exclusion from the jury box. In many counties Knights of Labor and kindred associations are prohibited, and if their organization is attempted they are brutally broken up, and the courts afford neither remedy or redress. Emigration agents are not suffered to visit several of the counties. The law makes it a criminal offence, "punishable according to its gravity," for a farm laborer to break his contract.

The law against carrying concealed weapons is enforced almost exclusively against negroes. The purchase of seed cotton is legislated against with intolerable severity. Penalties for crimes likely to be committed by negroes are made unduly severe, while the lawless acts of white men go unwhipt of justice. The leasing out of convicts is fraught with inhuman cruelties and barbarities.

The Trial Justice system is a shame to the State and a source of untold woes to the negroes, and shows an utter indifference to their welfare and just claims. All thoughtful and observing men know what strong prejudices and bitter antipathies are inbred against that race, and it should have been the purpose and object of those in authority to have established a judicial system for the determination of their rights and the punishment of their petty crimes that would protect them from extortion, injustice and oppression. These inferior tribunals come closest to the people, and the immense power centered in them should have been intrusted to men of character, legal training, independence and merciful disposition. But on the contrary, these arbiters of law are very often ignorant, unmerciful, tyrannical, negro hating men, who from the greed to make the fees by which they are supported, and to the desire to advance the interests of the party to which they are beholden for their offices, use

the power in their hands to grind the humble, foment cross suits and prosecutions, and terrorize those who are alert, zealous, and otherwise unmanageable in political action. The majority of these petty magistrates are in rural parts of the State, where there are no lawyers to protect the rights of litigants or those charged with crime. The ruling class in the State are either ignorant or unconcerned about the treatment these poor, humble, despised and defenceless people have inflicted upon them. But it was plainly the duty of the thoughtful, humane and justice-loving leaders among the Democrats to have seen that a system so fraught with temptations and opportunities for oppression and extortion should not have been kept in existence. This indifference to the welfare and persecution of a defenceless race is a reproach to those who should control the policy of the Democratic party, and stultifies their pretensions of friendliness and concern for their well being. That it may be clearer seen how derelict they have been, and some conception may be had of the enormities practiced by these legal tyrants in sections even contiguous to a good sized city, an extract is inserted from a statement published in the *Columbia Register* by a Democratic lawyer, W. S. Monteith, Esq., of cases happening in Richland County, in which the capital of the State is situated :

"The entire trial justice system is an abortion; it was conceived in sin and born in iniquity in the Radical party, in order to enable them to control this jurisdiction, and they steadily disregarded the Constitution which requires that elections should be had for justices of the peace, and all sort of sophistry was resorted to in the Supreme Court of South Carolina in those days to uphold the constitutionality of the Trial Justice Court, and although, at all times an ardent Democrat, I raised my voice at the outset, and will ever continue to declare that it was a duty of the Democratic party to at once have abolished the office, and not to have accepted it for the same improper purpose that the Republican party created it, viz., by subterfuge to avoid the performance of the constitutional duty to elect justices of the peace, in order to have a power of appointment that would amount to patronage, which the executive might control in the interest of the party, and the exercise of this power leads to the grossest abuses. In Radical days we used to hear of inefficiency in the office of trial justice, and Judge Hudson is very correct in saying that such inefficiency continues to exist, but if the office of justice of the peace was allowed to be filled by a popular vote as the Constitution prescribes, the people who know good men in their midst would select proper men for this important office, and wise legislation might safely commit to this jurisdiction many of the matters which Judge Hudson complains of as now burdening the Court of Common Pleas.

"The amount of oppression practised by trial justices who hold their appointments under executive appointment can not be estimated. I will state some instances that have occurred since the State has been in the control of the Democratic party, and these can be multiplied indefinitely :

"1. Peter Murry leased lands in Richland County and another person occupied adjacent land; the line between the two adjoining fields was uncertain, and Murry included in his work three acres not included in his lease, which fact was not discovered until toward the end of the year when a survey showed the mistake. In the course of the year Murry became involved in a difficulty with other parties and was sent to prison, but his wife and his large family continued to live upon the premises leased by him and during his imprisonment finished the crop and were engaged in gathering it when the owner of the adjacent lands demanded of the wife of Murry \$6 rent for the three acres so planted by mistake. Upon her refusal to pay rent a trial justice issued a warrant for her arrest for a trespass and sent to her house for her arrest while she lay sick with an infant five days old by her side. The officer took her and the infant out of bed, put them in a wagon, hauled them six miles to a trial justice court, when she was tried for such alleged trespass upon the warrant which stated that the trespass consisted in planting three acres of land and refusing to pay rent for it; the trial justice adjudged her guilty; sentenced her to pay \$6 rent to the prosecutor and the costs of the proceedings, \$10, or to be imprisoned in the county jail thirty days, and upon her refusal to pay the money demanded, the constable hauled her and the infant to Columbia, twenty-one miles, and then when the Sheriff refused to receive her in prison, he was forced to abandon her in the streets and her friends sent her home.

"2. An appointee under Governor Hampton, in Richland County, made a contract with a negro to work upon his farm; the negro, as he alleged, broke the contract and came to this city; his employer, who was a trial justice, met him in the city, caused his arrest by a police officer, alleged that he was wanted before him upon a criminal warrant; when he was ready to leave town he placed him in irons, carried him to where he lived, and there assuming to be able to try the case as trial justice, he himself being the prosecutor, sentenced the accused to be imprisoned in the county jail thirty days, giving him the option to work thirty days in his field for nothing. The negro accepted the alternative, and he fearing that the negro would not remain the thirty days out handcuffed him to the plow stock, and he remained so handcuffed by his left arm to the plow stock for several days until released on *habeas corpus*.

"3. A citizen once, but not now, of this county, lost a game hen which he alleged to be of the value of \$5, and he indicted a man residing on the premises for the alleged larceny of the hen. The matter coming up before a neighboring trial justice, resulted in the prompt conviction of the accused upon most flimsy testimony, and the sentence was that he should pay a certain fine and the costs, amounting to \$15, or be imprisoned in the county jail thirty days. The sentence, however, was suspended upon the prosecutor agreeing, that if the defendant would hoe thirty days in the field of the prosecutor that the prosecutor would pay the fine and costs in lieu of wages, and the defendant set in to do the hoeing. Upon the day after the hoeing commenced, the hen came up and brought thirteen chickens, instead of being stolen she was sitting and had hatched a brood, and the innocence of the defendant was apparent; he refused to hoe any longer and was taken by the prosecutor and surrendered to a trial justice, who was made aware of the fact of the discovery of the lost property. The justice said, however, that

if he would not he might go to jail and he sent the defendant to the Richland County Jail under a sentence of thirty days imprisonment, which he served.

"4. There is on file here a commitment issued by a trial justice appointed by a Democratic Governor, which commitment charges a paralytic negro with "creating a fuss," and which commitment landed the accused in the county jail in default of \$1,000 peace bond, and his stay in jail was only terminated after considerable time by the discharge of the prisoner on *habeas corpus*.

"There are very few courts in the State at which I have not attended and I recollect no instance where I ever went to court in which, among the appeals from trial justices that have been heard by the circuit judge, I could not find a case which shows either inefficiency or oppression, and the cases cited above are only fair specimens. In the cities and at the county seats these offices are filled by persons of fair, sometimes marked, ability and integrity, as is the case here, but Judge Mackey made a correct estimate of the average trial justice in this State when he announced on a memorable occasion to the grand jury that "every one is supposed to know the law except the trial justices."

W. S. MONTEITH.

This recital of the wrongs inflicted by the Democratic party in this State upon the political and civil rights of Republicans would seem sufficient to convict that party of crimes and misdemeanors almost beyond Divine forgiveness or the toleration of American citizens. It calls loudly for the interposition of such instrumentalities as can break the chains which hold more than a half of the people in bondage, and restore the sacred rights which have been ruthlessly subverted; and, thanks be to God, there are signs that the day of deliverance is approaching. Indications are appearing that a conversion is setting in among the liberal and conservative Democrats who deplore this long spell of fraud, injustice and tyranny. The remnant of conscience and patriotism which was unconsumed while this twelve years' reign of corruption and hate held sway is at last awakening to a sense both of the wrong and cruelty which has prevailed, and also the dread consequences to themselves and the injury to the State which this career has inflicted. With the great opportunity they have had to win the confidence and support of the Negroes, they see them arrayed in sullen, determined opposition. They see the greed of the ring-leaders for absolute power has led them on, step by step, in the road of fraud and injustice until they have passed the bounds and restraints which have been ordained to protect society and preserve government. And now a halt is being called. While standing in the mire breathing the fatal miasma, they are looking for some temporary lodgment which they can reach in the hope that some way can be discovered by which they can retrace their steps and at the same time

keep the plunder. A portion of them, under the leadership of the *Charleston News and Courier*, want to enact a constitutional educational qualification. Others, under the guidance of the *Charleston World*, favor a change in the law which will practically effect the same end. And still others, with a clearer perception of the gross wrongs which have been perpetrated and the duty of making some concessions, are supporting the *Columbia Register* in advocating a policy of friendliness and justice and partial division of the offices, which is a recognition within limitations of some of the rights of the oppressed. The last plan is the more promising of good results. It is at least an attempt to partly solve the difficulties, and is in line with pledges made 12 years ago. It is believed the consequence of this agitation will be the destruction of the present villainous election system, and the establishment of some plan less revolting and repugnant to moral sentiment.

A good deal is being said of late about the Southern problem, which means the race question, and especially in this State has the subject been taken up for consideration. The difficulties involved are magnified, and the only effectual remedy is either not grasped or is fought shy of. The *Columbia Register* seems to have the courage, desire and purpose to go to the root of the matter, and adopt the plan which would cut the Gordian knot, for it advocates the recognition of the political rights and legal equality of all citizens, and their just, righteous and indiscriminating treatment; and this course, put sincerely and unreservedly in practice, would solve the portentous and dread question. This way of taking hold of the matter has never been attempted. Southern leaders, up to this time, have never wanted to settle the question on any just, permanent and mutually satisfactory basis. The franchise of the Negro, with the recognition of his political and civil rights, has never been accepted at the South. His enfranchisement has been looked upon as a calamity and outrage, which in some way might be annulled, and at all hazards must be undermined and controlled. Under the provisional governments preceding reconstruction, the abolition of slavery was looked upon in the same way, and the black code legislation was as naturally the consequence of the failure to grasp the full and logical results of emancipation as are the equally indefensible election laws and practices the product of those who believe the Negro is not entitled to the political rights, privileges and full opportunities of citizenship. Southerners actually and instinctively believed at that time that the freedmen could not become law-abiding citizens and good laborers—that they were incapable of education, and that the attempt to educate them would result in

unmeasured evils and dangers—that they ought not and should not own land and houses, and finally, that they must from necessity, if not kept under subjection, be lawless, untrustworthy and dangerous. What an absolute, and now admitted, refutation of all these sincere and dire conceptions and forebodings does the record of this wonderful and peculiar people exhibit. The general government repudiated the unrighteous, unjust and inpolitic class rule which was attempted, and forced the South to treat the freedmen as freedmen, and the result has vindicated the wisdom and policy of this procedure, while the unexampled conduct of this people has won the recognition and praise of all who have given the matter thought. And while this despised and persecuted and little understood race was working out its partial destiny, what a marvelous change in sentiment, amounting to conversion, has come to the white people, until their views upon slavery and the nature and capacities of the Negro have been entirely transformed. If they would now look upon the franchise of the Negro as a finality, and mould their action upon the basis of the full and absolute recognition of their equal rights, renouncing their own assumed political superiority and exclusiveness, the apparent dangers and dreaded consequences would fade away as surely as they have in the civil status. The negro race is not clanish, revengeful or potentially disposed, nor has it a race pride, ambition and destiny; otherwise it would not be the unresisting victim of oppression and persecution. They are forgiving and forgetful of injuries, and long years of dependence have made them incapable of employing the means necessary for their protection. They would naturally divide in politics if they were not goaded and forced to hold together by the political hatred and hostility of the whites, whose alignment on questions and issues has been in open antagonism to them. When the Southern people earnestly and fully want to settle the political race relations it will be quickly accomplished, and all danger of Negro domination will be exploded as effectually as have been the dreaded anticipation of insurrections, race conspiracies or labor organizations. The Southern leaders have not wanted this political race question settled, but have conspired against its adjustment, for they were thriving upon the conditions as they exist, and could easily maintain their hold by inflaming the passions, exciting the prejudices and arousing the fears of their blind followers. The race issue has been their political stock in trade.

But if the Southern white people will not undertake the solution of this question, then the duty falls on the National government to interpose, as it did under the provisional governments immediately following the war, when the civil rights of an emancipated people

were denied and trampled upon. Happily the power to do this has been conferred by the people through the late election. If laws are enacted by which the conduct and management of all Federal elections are taken from the hands of the State and placed in the hands of Federal officers with full authority, a summary solution of many of the difficulties involved in the situation will have been provided. And the immediate result will be the restoration of many congressional districts, and the electoral vote of several States to the party from which it has been robbed. It may be expected that an outcry against the unconstitutionality of such a law will come from the throats of those leaders who have seen no harm in the killing, whipping or oppression of negroes, nor illegality in the denial and destruction of the elective franchise.

An inviting opportunity is now afforded in this State for the upbuilding of the Republican party on an enduring basis. The reign of injustice, fraud and ring rule has planted the seeds of decay in the Bourbon party, while the vitality of and prominence given to the issue of protection to American industries and labor has furnished the steps up which those can reach the Republican platform who would not otherwise or in any other way go upon it. There is a revolt against the illiberal, unprogressive, proscribing spirit which dominates the Democratic party, while the conviction is fast gaining a foothold that the South will be benefitted by an adoption of that system which has built up, thickly peopled and enriched other sections of the country. If those who believe in this doctrine would have the courage of their convictions and take a pronounced stand in its support, and also plant themselves upon the ground that the ballot box must be purified and the foul election scheme of this State abrogated, they would find the Republicans eager to clasp their hands in hearty loyalty and co-operation, and join them in re-organizing the party upon these living political issues. The Republicans have always sought and welcomed allies and recruits. It is the Bourbon leaders who, by plying the lashes of ostracism and proscription, and kindling the fires of prejudice, hate and dread, have stifled the promptings of independent natures, and smothered the outcries of the conscience stricken. But these weapons are wearing out. The people are awakening to their interests and their condition. A dry rot has fastened itself upon that party, and the apathy and discontent which overshadows and pervades it is the precursor of its disintegration. If there was only a man among these at heart in rebellion against the fraud marked, ring ruled and blood stained Bourbon organization to sound the bugle call, as the bold, brave and wise Mahone did, there would rally to his standard as



valient and determined a following as was led to victory by the Virginia patriot.

A most potent and available agency which could be utilized to hasten the disintegration of the Bourbon party would be the establishment of bold, independent, untrammelled newspapers in the South, which would pour light upon the dark and debasing deeds of these conspirators against the rights and liberties of the people, expose their plots and build up a public opinion which would protect the political morals of the citizens and preserve the institutions of society. At the same time the Republican doctrine of protection should be explained and its advantage to the South set forth; and needed encouragement and support, furnished to the liberal minded and progressive citizens who are ready to break away from the thralldom which restrains and circumscribes them.

As conditions have existed, newspapers could not be self-supporting in this section, which were established on this plan.

Another most important and efficient instrumentality for undermining and overthrowing the accused Democratic rule in the South are the Federal offices. They should be filled with men who, besides discharging their duties faithfully, exactly and satisfactorily would use the opportunities and emoluments of these positions in the patriotic cause of their party's welfare and advancement. This may sound like treason and insult to the civil service doctrine, which has gained a foothold in the country. But the code of political ethics which would dismantle the public offices of their utility and power for party purposes should not be applied in the South, whatever may be the proprieties in other sections of the country. Here there is a boycott against Republicans, and the powers of the State, County and Municipal offices, and the terrors of business proscription and social ostracism are centered and wielded against that party. For the present the only rallying points from which to organize opposition to this army of hate, intolerance and criminal desperation, are the public offices, which enable the incumbents to be independent, if not indifferent to persecution, and to earn the means to help the party whose control is necessary for the protection of the rights of the people and the prosperity of the country. This devotion to the interests of party implies no neglect of official duty, or its unsatisfactory performance, nor is it in any proper sense incompatible with it. The Bourbons will make a fierce howl against this course of urgent and effective party policy, though they adopted and so rigidly adhered to it four years ago that every position was summarily emptied of its occupant.

If these offices are utilized, not to reward pretended and pretentious past claims, but to secure the services of those who will use their ability, energies and means to organize the party upon live and practical issues, and bring to its support those who can be detached from the enemy, a long stride will be taken to hasten the overthrow of that rule in the South which has despoiled the rights of the citizens, and become a menace to the safeguards and vital interests of society. To effectuate this grand object most surely and efficiently, the incoming administration should take charge of and mould the action of the party in the states where the political rights of its supporters are denied and ruthlessly strangled.

And it would be a welcome and inspiring sign if there should be called to the cabinet of the President some representative Southern Republican of ability, courage and political skill, who understands the crafty, intriguing and plausible characteristics of the Bourbons, and knows how to circumvent the plottings of these desperate and conscienceless conspirators. For years they have hoodwinked the Republicans of the North, while tyrannizing over their own affrighted supporters, and they will be recreant to their natures if they do not try to deceive, delude and stab the next administration, which will find the only true and safe policy is "To beware of Greeks bearing gifts."

*ELLERY M. BRAYTON.*

*Chairman.*

LIBRARY OF CONGRESS



0 014 418 618 7